

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GEORGE W. CARLISLE, JR., )  
Plaintiff, )  
v. )  
CITIMORTGAGE, INC., et al. )  
Defendants. )

No. 4:06-CV-677 CAS

## **ORDER**

This matter is before the Court on plaintiff's pro se Motion for Contempt, Sanctions and Default Judgment Against Defendant Citigroup Technology, Inc. ("Citigroup Technology"). For the following reasons, the motion will be denied.

Plaintiff brought this case against Citigroup Technology alleging he was unlawfully discriminated against and not hired for a position within the company. On October 9, 2007, Citigroup Technology filed a motion to compel arbitration. In its prayer for relief, Citigroup Technology requests that the Court stay all proceedings pending an adjudication of the motion to compel arbitration. See Mot. to Compel Arbitration, Doc. 41. The motion to compel arbitration has not been fully briefed and is still pending.

On October 19, 2007, plaintiff filed the instant motion seeking an order of contempt, sanctions, and a default judgment against Citigroup Technology for not answering plaintiff's complaint. Plaintiff also seeks an order of contempt and sanctions because Citigroup Technology failed to file a disclosure of corporate interest statement. Plaintiff's motion is nearly identical to a motion he filed against defendant CitiMortgage, Inc. on July 12, 2007 in this matter, which was denied by the Court. See Memorandum and Order dated July 24, 2007, Doc. 34.

In that order, the Court found that courts addressing this issue consistently allow defendants to file motions to compel arbitration instead of answering a complaint. See, e.g., Faber v. Menard, Inc., 367 F.3d 1048, 1051 (8th Cir. 2004). In its motion to compel arbitration, Citigroup Technology requested a stay of all proceedings until the motion is resolved. Plaintiff has not opposed this request. In accordance with its prior ruling, the Court finds that Citigroup Technology's unopposed request to stay the proceedings pending the Court's ruling on the motion to compel arbitration shall stay the time in which defendant has to answer the complaint. Therefore, the Court will not order Citigroup Technology in contempt for failure to file an answer while its motion to compel arbitration is pending.

The Court also will not hold Citigroup Technology in contempt or award sanctions based on its failure to timely file its corporate disclosure statement. Within one business day of plaintiff filing his motion for contempt and for sanctions, Citigroup Technology filed its corporate disclosure statement. The Court finds plaintiff has not been prejudiced by this delay.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion for Contempt, Sanctions and Default Judgment Against Citigroup Technology, Inc. is **DENIED**. [Doc. 45]



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of October, 2007